

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

ASHLAND INC..
Plaintiff,

v.

GAR ELECTROFORMING, et al.,

Defendants.

ORDER

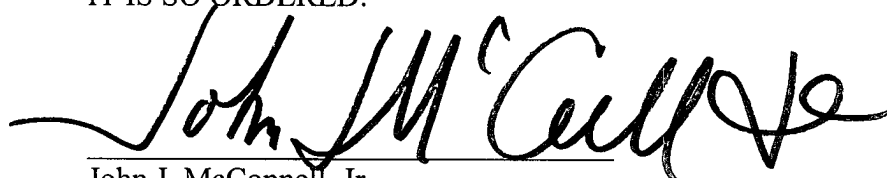
Before this Court is the “Unopposed Motion by Defendant, United Technologies Corporation, to Vacate July 2010 Opinion.” (ECF No. 146.) In addition, a supportive memorandum was filed by Amicus United State of America. (ECF No 147-1.)

United Technologies and Amicus United States ask this Court to vacate its July 22, 2010 opinion (ECF No. 128) that denied summary judgment motions filed by various defendants in this case. (ECF Nos. 70, 74, and 77.) It asserts that the issues discussed in that opinion have become moot between the parties because of the settlement and therefore the parties did not have a full opportunity to litigate those issues before this Court or to appeal what the United States believes is an incorrectly decided opinion on important issues. The United States further asserts that the opinion “disrupts the carefully crafted scheme that Congress set up in CERCLA Section 113 and, in particular, the incentive to settle with the United States provided in Section 113(f)(2).” (ECF No. 147-1 at 3.)

After a review of this entire matter, including the Memorandum filed by Amicus United States (ECF No 147-1), and pursuant to Rule 54(b) of the Federal Rules of Civil Procedure and the inherent power of this Court, balancing the equities, and for just and reasonable cause shown

and in the public's interest, this Court hereby VACATES the Opinion and Order of this Court dated July 22, 2010. (ECF No. 128.)

IT IS SO ORDERED.

A handwritten signature in black ink, reading "John J. McConnell, Jr.", written over a horizontal line.

John J. McConnell, Jr.
United States District Judge

January 18, 2013